

KENT W. EPPERSON
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Plaintiff in Pro Se

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

KENT W. EPPERSON,
Plaintiff,

vs.

SANTA BARBARA COUNTY
ASSOCIATION OF GOVERNMENTS
("SBCAG"),
Defendant.

Case No. 2:23-cv-03039-AB- (JCx)

PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION SEEKING LEGAL
FEES INCURRED RESPONDING TO
PLAINTIFF'S EX PARTE APPLICATION
TO EXTEND DISCOVERY DEADLINES
DATED NOVEMBER 20, 2024

Judge: Honorable Andre Birotte Jr.
Courtroom No.: 7B
Hearing Date: January 24, 2025
Hearing Time: 10:00 am
Pre-Trial Conf: August 1, 2025
Trial Date: August 26, 2025

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION SEEKING LEGAL FEES
INCURRED RESPONDING TO PLAINTIFF'S EX PARTE APPLICATION TO EXTEND
DISCOVERY DEADLINES DATED NOVEMBER 20, 2024**

I. INTRODUCTION

Plaintiff, Kent W. Epperson, respectfully submits this opposition to Defendant's motion seeking legal fees incurred in responding to Plaintiff's Ex Parte application to extend discovery deadlines. While Plaintiff acknowledges a misunderstanding regarding the discovery deadlines, the Ex Parte application was made in good faith and was necessitated by Defendant's lack of cooperation in the discovery process. Plaintiff's concern regarding the discovery deadlines was exacerbated by Defendants premature Motion for Summary Judgement, as was noted by Honorable Judge Andre Birotte Jr. in his ruling dated December 11, 2024.

Defendant did not raise any issues over Plaintiff's misunderstanding of the written discovery cut-off deadline at the November 4, 2024 meet and confer, nor did Defendant object to the stated deadlines in its opposition to the Ex Parte Application. This seems to indicate that Defendant also believed the earlier deadlines were correct. If Defendant had raised that issue at the meet and confer, Plaintiff would not have filed an Ex Parte Application. Therefore, Defendant shares some responsibility for the misunderstanding. As a pro se litigant, Plaintiff humbly requests the Court's understanding and leniency in this matter.

II. FACTUAL BACKGROUND

Misunderstanding of Deadlines: Plaintiff acknowledges a misunderstanding regarding the discovery deadlines. The Joint

26(f) Report included proposed deadlines, which Plaintiff mistakenly believed were set by the Court. The Court's actual deadline for non-expert discovery is February 10, 2025. Defendant had two opportunities to correct Plaintiff's misunderstanding regarding the deadlines, once in an email on October 29, 2024, where Plaintiff further explained his concern over the deadlines, and another during the November 4, 2024 meet and confer when the discovery extension was being discussed. Defendant did not correct this misunderstanding, nor did they object to the stated deadlines in their opposition to the Ex Parte Application. This suggests that Defendant also believed these deadlines were correct and therefore bears some responsibility for the misunderstanding.

Plaintiff's Cooperation and Diligence: Despite the misunderstanding, Plaintiff has consistently cooperated with Defendant's discovery requests and has acted diligently to resolve discovery disputes. After submitting the Ex Parte application, Plaintiff immediately prepared a Motion To Compel Discovery due to Defendant's inadequate responses, numerous objections and delays. This demonstrates Plaintiff's active engagement in the discovery process and the necessity of seeking court intervention.

Defendant's Delays: Defendant requested a 56-day extension for responding to Plaintiff's discovery requests, to which Plaintiff granted a two week extension in good faith, which Defendant agreed to. Despite this, Defendant failed to provide

1 substantive responses, instead issuing over 500 generic
2 objections.

3 **Efforts to Resolve Disputes:** Plaintiff engaged in multiple
4 meet and confer sessions to address Defendant's objections and to
5 discuss the need for extending discovery deadlines due to
6 Defendant's delays.

7 **III. LEGAL ARGUMENTS**

8 **Good Cause for Ex Parte Application:** Under Federal Rule of
9 Civil Procedure 6(b), extensions may be granted for good cause.
10 Plaintiff demonstrated diligence and faced unforeseen obstacles
11 due to Defendant's non-compliance to discovery requests and
12 premature Motion for Summary Judgement, justifying the need for
13 an extension. The Ninth Circuit recognizes the importance of
14 allowing sufficient time for discovery to ensure a fair trial
15 (Hunt v. County of Orange, 672 F.3d 606, 616 (9th Cir. 2012)).

16 **Defendant's Lack of Objection to Deadlines:** Defendant's
17 opposition to Plaintiff's Ex Parte application did not raise any
18 objection to the stated deadlines of December 12, 2024, and
19 December 19, 2024. This indicates that Defendant also believed
20 these deadlines were correct, undermining their argument that
21 Plaintiff's application was frivolous or improper. Any
22 misunderstanding about the deadlines was mutual and not solely
23 Plaintiff's responsibility.

24 **Justification for Ex Parte Relief:** Local Rule 7-19 permits
25 Ex Parte applications when there is a risk of irreparable harm or
26 immediate danger. The impending discovery deadlines and
27
28

1 Defendant's lack of cooperation created an urgent need for
2 relief.


3 **Pro Se Litigant Considerations:** As a pro se litigant,
4 Plaintiff is entitled to some leniency in procedural matters
5 (Haines v. Kerner, 404 U.S. 519, 520-21 (1972)). Plaintiff's
6 actions were reasonable and aimed at ensuring a fair discovery
7 process.

8 **Defendant's Motion for Fees is Unwarranted:** Defendant's
9 request for \$1,290 in legal fees is unjustified as Plaintiff's Ex
10 Parte application was a necessary and appropriate response to
11 Defendant's conduct. Awarding fees would penalize Plaintiff for
12 seeking to protect his rights in the face of procedural
13 obstacles.

14 **IV. CONCLUSION**

15 For the reasons stated above, Plaintiff respectfully
16 requests that the Court deny Defendant's motion for legal fees.
17 Plaintiff acted in good faith and with diligence in seeking an
18 extension of discovery deadlines, and Defendant's motion lacks a
19 valid basis. Plaintiff also requests the Court's understanding
20 and leniency as a pro se litigant navigating complex legal
21 procedures.

22 DATED: December 16, 2024
23 Kent W. Epperson
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27 Telephone: 805.895.6589
28 Plaintiff in Pro Se
Respectfully submitted, By:


Kent W. Epperson

CALIFORNIA STATE COURT PROOF OF SERVICE

Kent W. Epperson v. Santa Barbara County Association of
Governments

Case No. 2:23-cv-03039-AB-(JCx)

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I, Kent W. Epperson (PLAINTIFF), declare:
At the time of service, I was over 18 years of age. My
residential address is 322 Pebble Beach Drive, Goleta, CA 93117.

On December 16, 2024, I served true copies of the following
documents: Plaintiff's Opposition to Defendant's Motion Seeking
Legal Fees; I served the document on the following persons at the
following addresses:

LEWIS BRISBOIS BISGAARD & SMITH LLP
BRIAN KATOOZI, SB# 321158
E-Mail: Brian.Katoozi@lewisbrisbois.com
650 Town Center Drive, Suite 1400
Costa Mesa, California 92626


The documents were served by the following means:
(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule 5-3.2.1
Service, I electronically filed the documents with the Clerk of
the Court using the CM/ECF system, which sent notification of
that filing to the persons listed above.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed on December 16, 2024, at 322 Pebble Beach Drive, Goleta,
CA 93117.

Plaintiff in Pro Se,

By:


Kent W. Epperson